

Applicant: Dion C. and Maxine Lear

Agent: John R. Taylor, Esq.

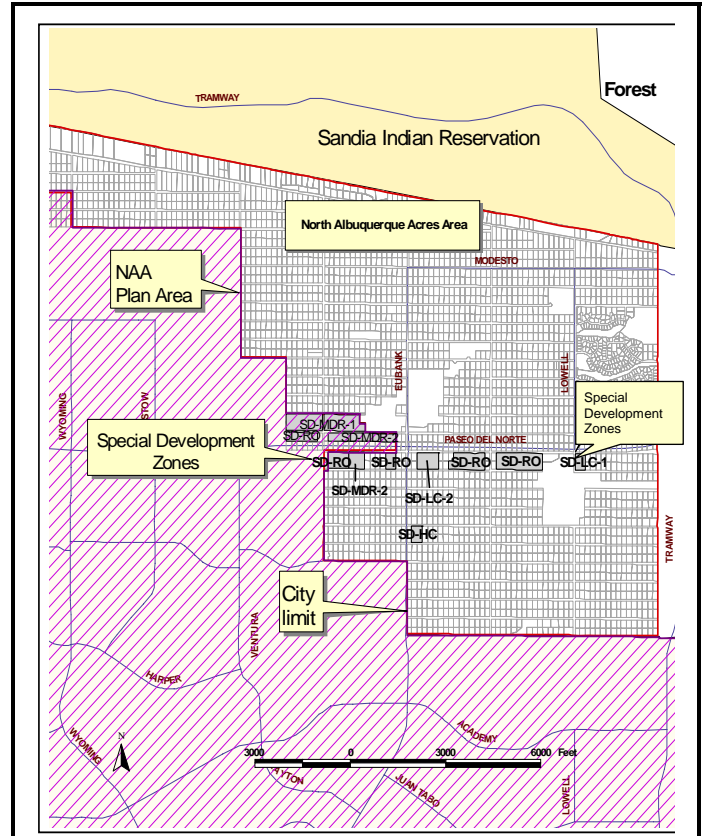
Location: North Albuquerque Acres

Property Size: N/A

Existing Zone: N/A

Proposed Request: Amendment to the Paseo del Norte/North Albuquerque Acres Sector Development Plan

Recommendation: Denial



Summary: The applicant is requesting an amendment to the Paseo Del Norte/North Albuquerque Acres Sector Development Plan in association with the request for a zone change from A-1 to O-1 for a lot in North Albuquerque Acres.

Staff Planner: Mari Simbaña, Program Planner

Attachments: 1. Application
2. Land Use and Zoning Map

Bernalillo County Departments and other interested agencies reviewed this application from June 24, 2008 to July 14, 2008.
Agency comments were used verbatim in preparation of this report, and begin on page 9.

AGENDA ITEM NO.: 13
County Planning Commission
August 6, 2008

SPR-80002 John R. Taylor, agent for Dion & Maxine C. Lear, requests approval to amend the Paseo del Norte North Albuquerque Acres Sector Development Plan to allow for a zone change from the rural agricultural zone (A-1) to an office and institutional zone (O-1) within the plan boundaries.

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	A-1	Vacant
North	A-1	Vacant
South	Right-of-Way A-1	Santa Monica Vacant
East	A-1	Vacant
West	Right-of-Way City of Albuquerque	Eubank Boulevard Public Drainage Right-of-Way

BACKGROUND:

The Request

The applicant is requesting an amendment to the Paseo del Norte/North Albuquerque Acres Sector Development Plan (Sector Plan). The applicant wishes to rezone site of approximately 0.74 acres from A-1 to O-1. Specifically, the applicant believes that the requested zoning is appropriate given the projected widening of Eubank Blvd. The application explains that with the O-1 zoning, the site “will be well suited to the purpose of a transition between the street and adjacent neighborhood.”

The North Albuquerque Acres/Paseo del Norte Sector Development Plan (Sector Plan) was approved by the Extraterritorial Land Use Authority on February 20, 2001. The sector plan area was originally 3804 acres. Since the adoption of the plan, several acres have been annexed into the City of Albuquerque. The Sector Plan had extensive public input and participation during a two and a half-year planning period; a total of seven public open house meetings were held within the community. This Sector Plan provides guidelines for development and design in the unincorporated area of North Albuquerque Acres.

The intent of the zoning and design of the Sector Plan is to reinforce the unique low density, rural character of North Albuquerque Acres through a mix of permissive land uses that have a strong neighborhood orientation and are of an intensity appropriate to the changed conditions in the community and to the rural character of North Albuquerque Acres. In the Sector Plan, higher intensity land uses are designed for areas along Paseo del Norte and Eubank that have been platted as one-acre single family lots and are adjacent to single family homes on one acre lots. The special zoning categories take into account the need for appropriate but limited, commercial uses along these corridors; the desirability of land assembly in which higher intensity uses are not built on individual lots; and the need for guidelines to protect existing neighborhoods.

Surrounding Land Uses and Zoning

Surrounding the unincorporated area of North Albuquerque Acres are Sandia Heights neighborhood, to the east, the Sandia Reservation to the north and the City of Albuquerque, to the west and south.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

Policy 3 The stated Goal of the Rural Area is “to maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns.” The following includes applicable policies:

Policy 3.a. of the Rural Area Goal states that “higher density development may occur at appropriate locations. Rural Area density patterns shall be more specifically defined through

lower rank planning. Each higher density area is to be controlled by site development plan and is to be located well away from other such higher density areas.”

Policy 3.b states that “Development in Rural Areas shall be compatible with natural resource capacities, including water availability and capacity, community and regional goals and shall include trail corridors where appropriate.”

Policy 3.g states that “the following shall guide industrial and commercial development in the Rural Areas.”

- Small-scale, local industries, which employ few people and may sell products on the same premises, are the most desirable industrial use.
- Neighborhood and/or community-scale rather than regional scale commercial centers are appropriate for rural areas. Strip commercial development should be discouraged and, instead, commercial development should be clustered at major intersections and within designated mountain and valley villages.”

Paseo Del Norte/North Albuquerque Acres Sector Development Plan

4.3 Zone Change Criteria

Resolution ELUA 2-1998 adopted policies for considering zone map changes. The development of significant transportation corridors in the area (Paseo del Norte and Eubank in particular) will impact the character of the lands adjacent to them and constitute a changed neighborhood or community condition as described in Resolution ELUA 2-1998. In addition the increase in the area’s population coupled with impacts of the transportation corridors create a situation which makes limited commercial and moderate density residential uses more advantageous to the neighborhood and community than A-1 zoning along these corridors.

The joint technical team/CAC defined the criteria to be used to identify properties that meet the policies for zone map changes. The criteria establish properties impacted by a change in condition that makes the existing A-1 zoning inappropriate. The criteria also ensure that land use changes are consistent with the policies of Resolution ELUA 2-1998. In addition, the committee established criteria to ensure that any land use changes would not be harmful to the community. The criteria are shown in Table 4-1.

Table 4-1 Criteria Used for Selection of Sites and Land Uses

Criteria Applying to All Sites

1. Sites should not be more than a one-quarter mile driving distance from Paseo del Norte or Eubank. (Area impacted by change in neighborhood or community conditions)
2. Sites should be separated from vacant land by a road, a lot with an existing structure, open space, a municipal boundary, or public right-of-way. (Insurance that land use change will not be harmful to adjacent property)
3. No higher use than C-N (neighborhood commercial) should be used. (Insurance that land use change will not be harmful to adjacent property)
4. Alternative land uses should be used as transitions between less compatible land uses. (Insurance that land use change will not be harmful to adjacent property)

Criteria Applying to Residential Sites

5. Higher density residential land uses should be used to buffer existing homes from Paseo del Norte and Eubank. (Insurance that land use change will not be harmful to adjacent property)
6. Higher density residential sites should be at least six lots in size. (No spot zoning)
7. No higher density than six dwelling units per acre should be used. (Insurance that land use change will not be harmful to adjacent property)

Criteria for Non-Residential Sites

8. Non-residential sites should have visual frontage to Paseo del Norte or Eubank. (Area impacted by change in neighborhood or community conditions)
9. Non-residential sites should be two lots deep to discourage strip center development. (No strip zoning)
10. Commercial sites should not be within 300 feet of an existing home. (Insurance that land use change will not be harmful to adjacent property)
11. Non-residential sites should not have direct access to local roads. (Insurance that land use change will not be harmful to adjacent property)

Based on the criteria, the Technical Team/CAC identified twelve sites that meet the County's policies for zone map changes (In 2002, 4 sites E, Y, Z-1, and Z-2 were annexed by the City of Albuquerque). Through the Corridor Study process and the Sector Development Plan process the advisory committees established permitted land uses and conditions for these sites. Table 4-2 summarizes the permitted land uses and conditions established by the Sector Development Plan for each site.

All other properties in the plan area were intended to remain A-1. If any use other than A-1 is proposed, the Corridor Study specifies that uses within this area be limited to those that generate no more than 10 vehicles trips per day per original lot (or one acre), which is the typical amount of traffic generated by a single family home.

4.4.1 Special Zoning Provisions of Sector Development Plan

(paragraph 3)

In the Paseo del Norte/ North Albuquerque Acres Sector Development Plan, higher intensity land uses are proposed for areas along Paseo del Norte and Eubank that have been platted as one-acre single family lots and are adjacent to single family homes on one-acre lots. Therefore, special zoning categories are appropriate to take into account the need for appropriate, but limited, commercial uses along these corridors; the desirability of land assembly so that higher intensity uses are not built on individual lots; and the need for guidelines to protect existing neighborhoods.

4.5 Amendments To The Sector Development Plan Zoning

Any request for a change in zone or for a special use permit on any property within the Sector Development Plan boundary is considered to be a Sector Development Plan amendment and would be evaluated according to the criteria and process of the Zoning Ordinance.

ANALYSIS:

Surrounding Land Use and Zoning

This predominantly residential community is bordered on the west and south by residential subdivisions within Albuquerque city limits. The Sandia Heights neighborhood is to the east and the Sandia Reservation is to the north. The site for which a zone change is being requested is surrounded by properties zoned for residential development. Although there are limited commercial uses permitted within the North Albuquerque Acres community, the Paseo Del Norte/North Albuquerque Acres Sector Development Plan identifies these mainly along Paseo del Norte Blvd., over 4000 feet north of the subject site.

Plans

The Albuquerque/Bernalillo County Comprehensive Plan Rural Area section, recommends the preparation and adoptions of area plans specifying appropriate density patterns. This is reflected in the Special Development Zones established by the Paseo del Norte/North Albuquerque Acres Sector Development Plan (Sector Plan).

This Sector Plan provides guidelines for development in the County area of North Albuquerque Acres and contains sections on applicable zoning, design guidelines, infrastructure and utility guidelines and open space recommendations. The Special Development Zones established by the Sector Plan allow for limited commercial uses to fit adequately into the rural fabric of the area. Especially focusing on commercial activities along the Paseo del Norte corridor. Each Special Development Zone follows specified area regulations. The design guidelines are intended to minimize the impact of commercial, office, and higher density development on existing low density residential land uses and create the visual image desire for development. As stated in section 4.5, "Any request for a change in zone or for a special use permit on any property within the Sector Development Plan boundary is considered to be a Sector Development Plan amendment and would be evaluated according to the criteria and process of the Bernalillo County Zoning Ordinance."

Zoning Ordinance

Resolution 116-86 requires that a land use change must clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan.

Agency Comments

The Mid Region Council of Government staff comments that the applicant should meet with County Public Works due to the expected reconstruction and widening of Eubank Blvd. which may start within the 2010 fiscal year. Other agency comments are directed at requirements effective at the time of development of the site (CZ-80003) related to the Sector Plan amendment request.

Analysis Summary

Zoning	
Resolution 116-86	A zone change from A-1 to O-1 would constitute a spot zone which would not be consistent with the goals of the Sector Plan.
Plans	
Comprehensive Plan	Request does not maintain the Rural identity of the area. Request is not compatible with the Sector Plan which specifically states density patterns and special zoning.
Sector Plan	Request for zone change does not meet criteria for non-residential sites as set forth in the Sector Plan .
Other Requirements	
Environmental Health	Applicant must provide water and sewer availability statement.

Conclusion

The Zone Change application has been submitted by the applicant. The applicant deems the request a strip zone, however, the Paseo Del Norte/North Albuquerque Acres Sector Development Plan (section 4.3) does not support strip zoning. The request is inconsistent with the *Albuquerque/Bernalillo County Comprehensive Plan* in that straight O-1 zoning does not maintain the character and identity of the predominantly residential area as it exists now. A zone change from A-1 to O-1 constitutes a spot zone because there are no other lots adjacent to the subject site with O-1 zoning.

The Sector Plan has already designated special development zones, primarily along Paseo del Norte and in a few other carefully selected areas. The Sector Plan acknowledges that the increase in population and transportation impacts on Paseo del Norte and Eubank corridors may make limited commercial activities more appropriate than residential uses along these corridors and lists corresponding criteria. Section 4.3 states that, "Non-residential sites should be two lots deep to discourage strip center development. (No strip zoning). / Commercial sites should not be within 300 feet of an existing home. (Insurance that land use change will not be harmful to adjacent property)." The requested zone change does not meet criteria for non-residential sites as set forth in the Sector Plan. Furthermore, the subject site is currently able to be developed for A-1 uses, therefore, staff recommends denial of the amendment to the Sector Plan.

RECOMMENDATION:

Staff recommends Denial, based on the following Findings.

Mari Simbaña
Program Planner

FINDINGS:

1. This is a request for an amendment to the Paseo del Norte North Albuquerque Acres Sector Development Plan to allow for a zone change from the rural agricultural zone (A-1) to an office and institutional zone (O-1) within the plan boundaries.
2. The Paseo del Norte/North Albuquerque Acres Sector Development Plan is within the Rural Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan and is predominantly zoned A-1.
3. The applicant has submitted an associated request for a Zone Change from A-1 to O-1 on Tract 17, Block 17, Unit 2, North Albuquerque Acres, on the northeast corner of Eubank Boulevard NE and Santa Monica Avenue NE, and containing approximately .73 acres.
4. This request does not meet the criteria for non-residential sites set forth in section 4.3 of the Paseo Del Norte/North Albuquerque Acres Sector Development Plan because it is not two lots deep and is within 300 feet of an existing home.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Zoning Administrator

24/JUN/2008

Proposed action takes place within the PdN/NAA Sector Development Plan.

If the zone change request (CZ-8003) is approved, development must meet all other plan & zoning ordinance requirements.

The O-1 Office and Institutional Zone is outlined in Section 12 of the ordinance, and is for providing "sites suitable for office, service, and institutional uses". Residential uses, as allowed and regulated in the R-1 zone, are permitted as well.

Other applicable development standards include off-street parking requirements (Sec. 21), landscaping & buffering provisions (Sec. 19), and allowances for sign and wireless telecommunication activities.

Environmental Health:

6/26/08

1. Provide a water and sewer availability statement. Call 924-3987.
2. This lot is smaller than the allowable size for an on-site individual system.
 1. Appears that this lot and adjacent lots are part of a storm water collection system. Water appears to be diverted from this lot [east side of Eubank] through a culvert system and under Eubank and into a collection pond.

Zoning Department Manager:

7/708

Based on the above comments there is no adverse comments at this time.
there are no zoning violations.

Building Department Manager:

No comment received

Fire:

7/10/08

The code items in this review are not intended to be a complete listing of all possible code requirements adopted by this jurisdiction. It is a guide to selected sections of the code.

Additional information is required prior to approval and/or occupancy.

Upon the development of this property the Owner, Builder, developer must provide and show how fire protection will be accomplished upon development.

- Also Water utility plan is required to be submitted for approval.
- All structures 6000 Sq. Ft. or large will require commercial fire Sprinklers that N.I.C.E.T. 3 or greater certified. and must be approved through the Fire Marshal's Office.
- All fire hydrants locations and distances must be approved through this office also.
- Monitored Smoke and heat detectors will be required for all structures regardless of the Square footage.
- Finally all plans including Sprinkler, Smoke detection and floor plans along with a site plans must be approved through the Fire Marshal's Office.. DFM JAG

Public Works:
No comment received

Parks & Recreation:
No comment received

Sheriff's:
No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:
7/1/08

MPO Project ID 538.0 is the reconstruction and widening of Eubank Bd from 2 to 4 lanes. Funding is programmed for FY 2010, FY 2012, and FY 2013. Coordination with County Public Works is recommended.

For information purposes, Eubank Bd has a functional classification of urban principal arterial.

AMAFCA:
7/11/08
No comment.

City Planning Department:
No comment.

City Public Works:
Transp. Planning: No comment received

Transp. Development:
7/1/08

Any proposed development fronting Eubank, within COA limits, will need to be coordinated

with Tony Loyd (924-3994) for a pre-scoping meeting to determine design alternatives and impacts.

Water Resources: No comment received

City Transit:
No comment received

ABCWUA Utility Development Section:
No comment received

City Environmental Health:
No comment received

City Open Space:
7/3/08
Open Space has no adverse comments

NM Department of Transportation:
7/8/08

Possible Impacted NMDOT roadway(s): NM 423.

Departments Comments: Due to the size, and location of the development, there will be no significant impact to the state roadway system. Therefore, we have no requirements or objections to the processing of the requested special use permit.

Albuquerque Public School:
7/15/08

North Albuquerque Acres Tract 3 Unit 2, Lot 17 Block 17, is located Santa Monica Dr NE and Eubank Blvd NE. The owner of the above property requests a special use permit for a spot zone change from A-1 to O-1 for a development that will consist of office space. This will have no adverse impacts to the APS district.

Public Utility Company of New Mexico:
No comment received

NEIGHBORHOOD ASSOCIATIONS:
North Albuquerque Acres Community Association